

REMARKS

Claims 1-16 have been examined. Claims 9-16 are hereby canceled by this Amendment without prejudice or disclaimer.

Claim 7 is objected to as being dependent upon a rejected based claim but would be allowed if rewritten in independent form.

Double Patenting Rejection

Claims 9-16 stand rejected under 35 U.S.C. § 101 as being coextensive in scope with claims 1-8.

Applicants submit this rejection is moot as claims 9-16 are hereby canceled by this Amendment.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-3 and 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art (APA) in view of Swank et al. (US 6,183,691).

Claim 1 recites, *inter alia*, spraying continuously a decontaminating liquid inside said chamber toward said path in such that a manner a fog atmosphere of said decontaminating liquid is maintained inside said chamber with said preform necks being bathed in said fog of decontaminating liquid and with said preform necks having inside and outside surfaces which become wetted by said decontaminating liquid, said fog of decontaminating liquid being caused to flow through said chamber.

In the rejection, the Examiner contends Swank discloses an upstream chamber into which hydrogen peroxide is sprayed. (*Office Action*, p. 7).

Applicants respectfully disagree. Specifically, Swank does not disclose that a decontaminating liquid fog atmosphere is continuously sprayed in chamber 28, i. e. that the

chamber is permanently maintained with such a fog atmosphere therein, when it is expressly the case according to the invention as recited in claim 1. Additionally, Swank fails to disclose that such a fog is caused to be maintained flowing inside the chamber, as required by claim 1.

Claim 1 also recites, *inter alia*, passing said preforms one after the other through an upstream chamber inside which preform necks move along a given path.

The Examiner appears to rely on Swank as discloses the treatment of preform containers. Applicants respectfully disagree. Specifically, in the rejection, the Examiner refers to “partially formed materials” (lower paragraph in page 6 of the Office Action).

However, the Examiner entirely wanders when, in the same paragraph of the Office Action (top of page 7), he mentions “necks of the preforms”, “necks”, “necks of the partially formed materials”, and finally “... that loads them into the manufacturing unit”.

Very obviously, Swank fails mention preforms in any way. Container parisons (“partially formed materials”) surely are provided with a neck (“fitting 62”), but, as shown in figures 3, 4, 5 and the description col. 5 line 52 to col. 6 line 7, said neck is closed and consequently the treatment is applied to parisons with a closed neck; SWANK discloses that the inner face of the neck is nevertheless treated due to the vapour phase hydrogen peroxide which enters and condenses on the opened interior of the cartons, including also on the fitting 62 (see col. 5 lines 44-46). Accordingly, even if the treatment proposed in SWANK leads to a decontamination of the inner face of the neck, such a treatment is only obtained via a treatment of the whole inner volume of the parison. Contrarily, the present invention as recited in claim 1 provides a treatment of only the neck, internally as well as externally: this is because the container is then filled through said neck (that is not the case for containers related to in SWANK).

Finally, because the APA is silent with regard to those features set forth above, Applicants submit the APA fails to cure Swank's deficiencies.

Thus, Applicants submit claim 1 is allowable for those reasons set forth above. Additionally, because claim 4 recites similar features, Applicants submit claim 4 is allowable for the same reasons set forth above. Finally, Applicants submit claim 3 is allowable, at least by virtue of its dependency.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 4, 5, 8, 12, 13 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marchau et al. (WO 99/03667) in view of the APA and Swank et al. (US 6,183,691).

In response, Applicants submit Marchau fails to compensate for the above noted deficiencies of Swank and the APA as set forth above with regard to claim 1. Because claim 4 recites features similar to those set forth above with regard to claim 1, Applicants submit claim 9 is allowable because the applied combination of Marchau, the APA and Swank fails to disclose all the features of claim 4.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marchau, the APA and Swank in further view of Zelina (US 2002/0159915).

In response, Applicants submit that because Zelina fails to compensate for the above noted deficiencies of Marchau, the APA and Swank as applied to claim 4, claim 6 is allowable, at least by virtue of its dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/David P. Emery/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

David P. Emery
Registration No. 55,154

Date: January 21, 2009